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STATE DOCUMENTS

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ANNUAL REPORT  
OF THE  
OFFICE OF SECRETARY OF STATE  
STATE OF MONTANA  
(Section 82-4002, R.C.M., 1947)

TO THE  
HONORABLE THOMAS L. JUDGE  
GOVERNOR OF MONTANA

FOR THE  
FISCAL YEAR ENDED  
June 30, 1973

MONTANA STATE LIBRARY  
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Helena, Montana 59601

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# STATE OF MONTANA

OFFICE OF THE

## SECRETARY OF STATE

FRANK MURRAY  
SECRETARY OF STATE

GAIL M DEWALT  
CHIEF DEPUTY

HELENA, MONTANA 59601

October 1, 1973

Honorable Thomas L. Judge  
Governor of the State of Montana  
Capitol  
Helena, Montana 59601

Dear Governor Judge:

In accordance with Management Memo 1-73-6, dated August 31, 1973, I submit the report of the Office of Secretary of State covering fiscal year 1972-1973, which I believe you will find reflects your adopted theme "Effective Management of the Executive Branch".

A summary of major accomplishments during the period of July 1, 1972 through June 30, 1973 follows:

### ESTABLISHED DUTIES:

Filed an all-time record number of documents and for the sixth consecutive year established a new high in total fees collected;

Completed election duties for the 1972 general election, including certifying the ballot to the 56 counties, conducting the official state canvass, filing candidate and club expense statements under both state and federal laws, and publishing election returns on national, state and district levels;

Carried out legislative duties, including certifying official rosters for both houses, formally opening the house of representatives, licensing and reporting lobbyists daily, taking legislative proceedings applications, receiving bills signed by the Governor, forwarding new laws to the publishers of the Revised Codes and the Session Laws, commencing preparation of the subject and title indexes for the house and senate journals, and receiving custody of all legislative files after adjournment;



Honorable Thomas L. Judge  
Governor of the State of Montana  
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Made available to an ever-increasing number of researchers the files of this office relating to the constitutional convention, legislature, elections, corporations and miscellaneous items, and, in many instances, supplied photocopies;

Answered hundreds of personal, telephone and written requests for information concerning the records of the office in particular, the state in general, homesteading, the Russell painting, missing persons, directions, etc.;

Continued work on the purge of the corporate file.

NEW DUTIES:

Filed without fee an estimated 640 campaign reports required under federal law;

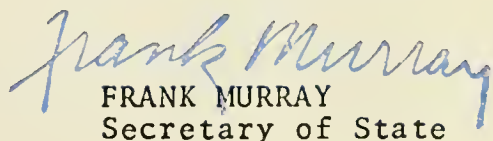
Formulated and adopted a format required under a new law for the compilation, publication and distribution of the Montana Administrative Code and the Administrative Register; filed over 3000 pages of rules submitted by the twenty-three contributing agencies for inclusion in the Code; compiled, published and distributed the first three issues of the Register;

Set up an administrative procedure for the duties of this office under the new Tort Claims Act;

Set up administrative procedure for calling legislature into special session under Section 43-319 et seq. R.C.M. 1947;

Initiated a method for supplying corporate information for the list required under Section 84-708.4, R.C.M. 1947, which required an overhaul of the present programming of corporate information done by the Data Processing Bureau for this office. (This is a sizable chore and attempts are being made to meet the effective date of the act, January 1, 1974. However because of the acceleration in number of annual filings under all categories, and the addition of new duties with earlier effective dates, this date will be hard to meet.) The continuation of the purge of the corporate file will be included under the new programming.

Sincerely yours,

  
FRANK MURRAY  
Secretary of State

FM/ddh



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OFFICE OF SECRETARY OF STATE

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Secretary of State

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Helena

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Chief Deputy

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Deputy  
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(Legislature and Elections)

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Dorris Dietzen  
Editor  
(Administrative Code and  
Register)

2001 Fifth Avenue  
Helena

PRINCIPAL OFFICES

Rooms 202 & 220  
Capitol  
Helena, Montana



## LEGAL REFERENCES

### NOTE:

The numerous and varied duties of the Secretary of State are prescribed by constitutional or statutory law. The office is primarily a records and service office, with statutorily set fees for all services performed for the public, while the thousands of annual state filings, such as deeds to state property, executive and reorganization records, certain election and legislative items, are filed without fee.

The constitutional and statutory provisions setting out the duties of the Secretary of State, scattered throughout the Revised Codes, are mainly as follows:

<u>Subject</u>	<u>Constitutional or Revised Codes Reference</u>
Administrative Code and Register	82-4201 et seq.
Central List of Corporations	84-708.4
Corporations	Titles 5, 7, 9, 11, 14, 15, 16, 35, 40, 72, 76
Deeds to State Property	82-2202 (4)
Elections:	
Ballot Certification to Counties:	
Primary	23-3307
General	23-3319 (2)
Canvass, State	
Primary	23-3314
General	37-108; 23-4016
Expense Statements	
Candidates	94-1430
Organizations	94-1431
Federal Reports	Fed. Campaign Act
Forms, Prescribed for Counties	Title 23
Nominating Petitions	23-3304 et seq.
Presidential Electors' Meeting	23-4301 et seq.
Executive Reorganization Record	82A-101 et seq.



<u>Continue Subject</u>	<u>Constitutional or Revised Codes Reference</u>
Executive Record	82-2202 (2)
General	VI, 4; 82-2202
Great Seal, Custody	82-2202 (3)
Legislature:	
Custodian of Records	82-2201
Enactments	43-502, 82-2209
Lobbyist Licenses	43-801 et seq.
Organization of House	43-208
Polling for Special Sessions	43-319 et seq.
Proceedings Applications	43-901 et seq.
Nortarial Bonds	56-101; 56-117
Oaths of Office	59-413
Official Bonds	69-3304; 75-7605
Publications Distribution	12-317; 23-2904; 43-201.1 82-4206; 93-2601; 94-1432
Services of Process	53-204; 93-3007; Rules of Civil Procedure
Special Measures:	
Initiatives and Referenda	V, 1; 37-101 et seq.
Constitutional Amendments	XIX, 9; 23-2802; 37-201 et seq.
Tort Claims	82-4301 et seq.
Trade Names and Marks	85-103
Uniform Commercial Code	87A-7-101 et seq.
Ex Officio Memberships:	
State Board of Land Commissioners	X, 4 82-901
State Board of Examiners	
State Law Library Board of Trustees	44-402
State Election Canvassers	23-3312; 23-4016



## PRINCIPAL GOALS

Basically the purpose of the office of Secretary of State is two-fold: 1) that of filing, preserving and maintaining the numerous categories of public and state documents in an orderly system to provide for easy retrieval, research and duplication, and 2) memberships on certain ex officio administrative and policy-making boards.

Regarding 1) above, the goal of this office is to promptly and explicitly carry out constitutional and statutorily assigned duties relating to each of the more than 40,000 annual filings and to effectively maintain and service the more than 650,000 filings making up the total records of the office; to so supervise the conduct of statewide elections to assure the rights and privileges of the electorate; and to effectively administer other laws under the jurisdiction of the office including lobbyist licensure, and other legislative related assignments, the administrative procedure and the tort claims acts.

Regarding 2) above, it is the continuing goal of the incumbent to conscientiously serve on all ex officio boards keeping in mind at all times the best interests of the State and its citizenry.





## MAJOR ACCOMPLISHMENTS

This is the state records office and even such administrative assignments as those connected, for instance, with administrative rules and the conduct of elections, are pointed to the ultimate records that are to become part of its archives, the compilation of which started in territorial days.

This office therefore does not conduct studies for new programs or for possible expansion of present programs, followed up with a request for legislative funding for implementation. Rather its concern is confined to a timely accomplishment of the explicit constitutional and statutory instructions for making and preserving records for the State and its people.

Since all duties are required by law, I have not listed them in descending order of importance. On the above basis, then the major accomplishments during the past fiscal year are:

### 1. Prompt Service.

Once again, both for the state without fee and for the public with fee, all statutory filings were timely made even though the number of filings substantially increased. Total fees collected for filings made by the public amounted to \$349,772 which is \$46,590 more than the comparable total in 1971-1972 fiscal year. This is more impressive when it is known that many individual fees are as low as 50 cents, \$2, \$5, \$10 and \$15.

An ever-increasing number of researchers are using the records of the office daily, and as the records grow so do the personal, telephone and written requests for information.

### 2. General Election 1972.

All election events were timely met assuring the electors of the state all rights and privileges under the election laws. This year for the first time over 600 reports were filed under the Federal Campaign Practices Act.



3. 1973 Legislative Sessions Set New Workload Record.

The regular and special sessions of 1973 set a record high for the number of pieces of legislation and the actual volume of laws, all of which are handled in this office during the law-making process, in addition to the specific duties of lobbyist licensing, bill proceedings handling, and title and subject indexing of journals.

4. Administrative Code formulated and publication and distribution of monthly register commenced.

The format for the Administrative Procedure Code was worked out and submitted to the 26 contributing agencies; all initial steps were taken to firm up the 8-volume Code; three monthly issues of the Montana Administrative Register were compiled, published and distributed according to law.

5. Tort Claims Act.

Procedures for the duties of this office under this 1973 law were set up.

6. Unqualified Foreign Corporations.

Efforts were continued through cooperation with other state agencies to see that all foreign corporations doing an intrastate business have applied for and received a certificate of authority.

7. Executive Reorganization.

More than 700 filings were recorded under the Executive Reorganization Act during the 1972-1973 fiscal year.

8. Central Corporation List.

It was found that a reprogramming of our current corporate file with Data Processing was necessary to enable this office to furnish the required information under the 1973 law requiring the compilation and continuous up-dating of a computer list of corporations legally operating in Montana and to continue the purging of the corporate file of defunct corporations.

9. Special Session Call.

Procedures were set up for the duties of this office in the event the legislature proposes to call itself into special session.



PROGRAM INVENTORY AND COST ANALYSIS SUMMARY

	<u>FISCAL YEAR COSTS</u>		
<u>PROGRAM 01</u>	<u>1972-1973</u>	<u>1971-1972</u>	<u>Increase</u>
Office of Secretary of State	\$256,888	\$162,955	\$93,933
<u>PROGRAM 02</u>			<u>Decrease</u>
Constitution Convention	\$ 4,882*	\$ 21,523	\$16,641
Net increase			<u>\$77,292**</u>

EXPLANATORY NOTES:

\*This item was expended for pamphlet copies of the 1972 Constitution after its adoption by the people.

\*\*The greater proportionate increase shown above in expenditures over the increase in total filing fees collected (see next page) is readily explained.

Commencing in October 1972, in preparation for the January 1st effective date, and running through the balance of the fiscal year, it was necessary to employ additional personnel to carry out the duties of the office under the Administrative Act relating to the adoption of a suitable format, filing the rules of the contributing agencies, compiling the eight-volume Code, and developing, compiling, publishing and distributing the first issues of the monthly Register.

This required equipping an office for two employees with desks, chairs, files, typewriter, telephone, etc., buying certain materials including binders and leaves for the Code and the Register, as well as paying postage and duplicating costs, which totalled more than \$49,000. It is well to keep in mind that this new law was designed to furnish an additional service to the people of this State rather than to bring in revenue. No fees were collected during the reporting period, and only a token return of the expenditures can be expected in the future.

Thus by subtracting the \$49,000 in costs for this new assignment from the \$77,292 shown as the total increase in operating costs over the preceding period, we arrive at the comparative increase in expenditures of \$28,292. This represents the additional amount expended in collecting an increase of \$49,590 in fees.



PROGRAM COST DETAIL

<u>PROGRAM 01</u>	<u>1972-73FY TOTAL</u>	<u>PERSONAL SERVICES</u>	<u>OPERATING EXPENSES</u>	<u>CAPITAL</u>
Office of Secretary of State	\$256,888	\$170,045	\$84,514	\$2,329

SOURCE OF FUNDING

General Fund ..... \$256,888

.....

Office of Secretary of State  
Income from Statutory Fees Collected  
Fiscal Year 1972-1973

<u>Filing Category</u>	<u>Amount</u>
Corporation:	
domestic .....	\$195,978
foreign .....	56,332
Notary Bonds and Commissions.....	42,080
Certified Copies etc.....	10,990
Official Bonds.....	119
Governor's Warrants.....	170
Trade Names and Marks.....	3,066
Elections.....	135
Uniform Commercial Code.....	26,136
Miscellaneous.....	1,477
Legislative Proceedings.....	11,066
Lobbyists Licenses.....	2,105
Administrative Procedure Act.....	118
Total 1972-1973 FY	\$349,772
Total 1971-1972 FY	303,182
Increase.....	\$46,590





## PROGRAM DESCRIPTION AND PERFORMANCE ANALYSIS

Note: It has been found practical to date to operate this office under one program (with the exception in the last fiscal year of a line-item appropriation for Constitutional Convention expenses).

Program Goal. The duties of the office are primarily concerned with the making, preservation and continuity of governmental records for the protection of the sovereign state as well as for its citizens. The growth of the office comes only with the natural growth of the state and from new duties assigned by the Legislature. The program goal is to carry out the letter of the law concerning each category of records.

Program Objectives. Set out in preceding paragraph.

Achievements. All-time high number of filings made during the reported period; all-time high amount of fees collected; new Administrative Procedure Code formulated and partially published; three issues of the Administrative Register published and distributed; election and legislative duties timely executed.





